

KENNEY, GROSS, KOVATS & PARTON
214 Park Avenue
Manalapan, New Jersey 07726
(732) 530-7500
Attorneys for Defendant Wall Township Board of Education
Gabrielle A. Pettineo, Esq. / Attorney Id. No. 002272005

MICAYLA AUGUSTYN

Plaintiff,

v.

WALL TOWNSHIP BOARD OF
EDUCATION

Defendant.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DOCKET NO. 3:20-cv-05218

CIVIL ACTION

ORDER IMPLEMENTING MANDATE

THIS MATTER having been opened to the Court on remand and mandate from the Third Circuit United States Court of Appeals, and the Court having reconsidered the fee application and the supporting briefs in view of the mandate; and good cause having been shown;

WHEREAS, on February 11, 2022, Plaintiff submitted an application for counsel fees, in the amounts as follows:

Phase I - \$36,971.00

Phase II - \$48,183.00

Phase III - \$63,465.25

Phase IV - \$49,870; and

WHEREAS on November 21, 2023, the District Court considered Plaintiff's fee request, and awarded fees as follows:

Phase I - \$0

Phase II - \$0

Phase III - \$12,693.05

Phase IV - \$9,974.05; and

WHEREAS, the Third Circuit United States Court of Appeals vacated same and remanded with instructions to reconsider Plaintiff's counsel fee request consistent with its opinion; and

WHEREAS, Circuit Judge David Porter in his concurring opinion cautioned against "collapsing the 'prevailing party' inquiry and the 'reasonable attorneys' fees' inquiry into one inquiry" and noted that "success is a matter of degree..." and

WHEREAS, in light of the Court's reconsideration of Plaintiff's application fee;

IT IS on this _____ day of _____, 2025

HEREBY ORDERED that Defendant shall pay Plaintiff the following counsel fee amounts:

Phase I: _____

Phase II: _____

Phase III: _____

Phase IV: _____

SO ORDERED.

Hon. James B. Day, USMJ